IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 11972 of 2005

Between:

A.Ramakrishna Paramahansa, S/o. Venkateswara Reddy,
R/o. Phirangipuram Village, Phirangipuram Mandal,
Guntur District.

..... PETITIONER

AND

1 The Commissioner & Inspector General of

Stamps & Registration, Govt., of Andhra Pradesh,
Hyderabad.
2 The District Registrar,

Department of Registration & Stamps,
Narasarapet , Guntur District.
3 The Sub-Registrar,

Department of Registration & Stamps,
Phirangipuram, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not paying the agreed rent to the petitioner since February 1996 by applying G.O.Ms.No. 35, Dated 27.2.1997 as illegal, arbitrary, unconstitutional and against to the principles of natural justice and to pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.CHINNAPA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

The substantive grievance of the petitioner is that the Registration Department of the State, which has taken the petitioner's property-a house, on lease in the year 1984 and agreed to pay rent of Rs.1,700/- per month, has not been paying the rents nor has it increased the rents as agreed upon.

It is also alleged that the respondents, relying upon the orders of the Government in G.O.Ms.No.35, Finance and Planning (FIN.WING-EBS-PWD) Department, dated 27-02-1997, (revised guide lines for fixation of rent for private buildings taken on lease by the Government Departments), are not paying the agreed rent.

It is not the petitioner's case that the Order of the Government in G.O.Ms.No.35 has itself either expressly or by any necessary implication refixed the agreed lease amount between the petitioner and the Registration Department. His only grievance is that the Registration Department (tenant) is misinterpreting the provisions of G.O.Ms.No.35 to revise tChe agreed rent legitimately due to the petitioner. Such a dispute does not have any public law underpinnings. It is a dispute arising out of a non-statutory contractual relationship, which is post contractual in nature and which dispute does not have an adjudicative disposition before this Court under Article 226 of the Constitution of India.

The writ petition is misconceived and is accordingly dismissed. The petitioner is at liberty to pursue the appropriate remedies before the appropriate alternative forum as advised.

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08-06-2005

Prv/Pvks

To

1 The Commissioner & Inspector General of

Stamps & Registration, Govt., of Andhra Pradesh,
Hyderabad.

2 The District Registrar,

Department of Registration & Stamps,
Narasarapet , Guntur District.

3 The Sub-Registrar,

Department of Registration & Stamps,
Phirangipuram, Guntur District.

4 2 CD copies

5 1 CC to MR.CHINNAPA REDDY

6 2 CCs to the G.P. for Revenue, High Court Buildings,Hyderabad.